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18 *Attorneys for Plaintiff*

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20 **UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

21 UNWIRED PLANET LLC, a Nevada  
22 limited liability company,

23 Plaintiff,

24 v.

25 GOOGLE INC., a Delaware corporation,

26 Defendant.

Case No. 3:12-cv-00504-MMD-VPC

**STIPULATION AND PROPOSED  
PARTIAL FINAL JUDGMENT UNDER  
FED. R. CIV. P. 54(B) AND STAY OF  
CASE ACTIVITY**

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1 WHEREAS, pursuant to Federal Rule of Civil Procedure 54(b), Plaintiff Unwired Planet  
2 LLC (“Unwired Planet”) and Defendant Google Inc. (“Google”) (collectively with Unwired  
3 Planet, the “Parties”) stipulate to entry of partial final judgment under Rule 54(b), and a stay of  
4 case activity pending the resolution of any appeal by Unwired Planet;

5 WHEREAS, the Court previously stayed litigation as to United States Patent Nos.  
6 7,024,205, 7,203,752, and 7,463,151 (collectively, the “Stayed Patents”) on January 27, 2014,  
7 Dkt. 233, pending *inter partes* review and covered business method review by the U.S. Patent  
8 and Trademark Office (the “PTO”);

9 WHEREAS, the Parties previously stipulated to judgment of noninfringement of United  
10 States Patent Nos. 6,292,657, 6,895,240, 6,944,760, 6,684,087, and 6,662,016 (collectively, the  
11 “Asserted Patents”) under the Court’s claim construction order as set forth in Dkt. 464 on March  
12 26, 2015;

13 WHEREAS, the Court granted the Parties’ stipulation set forth in Dkt. 464 on March 27,  
14 2015, Dkt. 466;

15 WHEREAS, the Court granted Google’s motion for summary judgment of invalidity of  
16 United States Patent No. 6,292,657 on March 27, 2015, Dkt. 465;

17 WHEREAS, the Court granted-in-part Google’s motion for summary judgment of  
18 invalidity of United States Patent No. 6,684,087 on May 26, 2015, Dkt. 470;

19 WHEREAS, Unwired Planet’s claims for infringement of United States Patent Nos.  
20 7,035,647 and 7,203,752 have been dismissed without prejudice, and Google’s counterclaims as  
21 to United States Patent Nos. 7,035,647 and 7,203,752 remain pending, Dkt. 451;

22 WHEREAS, Unwired Planet’s claim for infringement and Google’s counterclaim for a  
23 declaratory judgment of non-infringement of United States Patent No. 6,654,786 have been  
24 dismissed with prejudice, and Google’s counterclaim for a declaratory judgment of invalidity of  
25 United States Patent No. 6,654,786 has been dismissed without prejudice, Dkt. 371;

26 WHEREAS, the PTO has found all asserted claims of the Stayed Patents to be  
27 unpatentable;  
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1 WHEREAS, Unwired Planet has filed notices of appeal from certain of the PTO's final  
2 written decisions regarding U.S. Patent No. 7,024,205 and 7,203,752;

3 WHEREAS, Unwired Planet has not filed a notice of appeal from the PTO's final written  
4 decisions regarding U.S. Patent No. 7,463,151 and its deadline for doing so has expired;

5 WHEREAS, entering partial final judgment under Rule 54(b) now will allow the parties  
6 to forgo further litigation in this Court, while preserving Unwired Planet's right to appeal the  
7 Court's claim construction and invalidity summary judgment orders;

8 WHEREAS, the Parties respectfully request that the Court determine that there is no just  
9 reason for delay and enter partial final judgment pursuant to Federal Rule of Civil Procedure  
10 54(b) to conserve judicial resources and to avoid the time and expense of further discovery and  
11 motion practice;

12 WHEREAS, consistent with the judicial economy that is promoted by the entry of such a  
13 partial final judgment pursuant to Federal Rule of Civil Procedure 54(b), the Parties propose that  
14 the Court stay all case activity and indefinitely extend all case deadlines until any appeal is  
15 finally resolved;

16 WHEREAS, upon entry of partial final judgment pursuant to Federal Rule of Civil  
17 Procedure 54(b), Unwired Planet intends to file a notice of appeal of the Court's partial final  
18 judgment; and

19 WHEREAS, in the event that the Federal Circuit dismisses Unwired Planet's appeal as  
20 premature, Unwired Planet reserves the right (which Google does not contest) to undertake  
21 further proceedings in this Court on remand to complete the record for appeal,

22 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties,  
23 subject to the approval of the Court, that the proposed judgment attached hereto as Exhibit A  
24 should be entered.

25 ///

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1 Dated: August 5, 2015

Respectfully submitted,

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***GOOGLE INC.***  
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**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date a true and correct copy of the foregoing document, **STIPULATION AND PROPOSED PARTIAL FINAL JUDGMENT UNDER FED. R. CIV. P. 54(B) AND STAY OF CASE ACTIVITY**, will be served upon counsel of record via electronic mail through the United States District Court's CM/ECF system.

Dated: August 5, 2015

/s/ Jeff Tillison  
An Employee of Watson Rounds

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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNWIRED PLANET LLC, a Nevada  
11 limited liability company,

12 Plaintiff,

13 v.

14 GOOGLE INC., a Delaware corporation,

15 Defendant.  
16

Case No. 3:12-cv-00504-MMD-VPC

~~PROPOSED~~ **PARTIAL FINAL  
JUDGMENT AND STAY**

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18 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

19 1. JUDGMENT of non-infringement of United States Patent Nos. 6,292,657,  
20 6,895,240, 6,944,760, 6,684,087, and 6,662,016 (pursuant to the Parties' stipulation set forth in  
21 Dkt. 464, which was granted in Dkt. 466), and invalidity of claim 16 of United States Patent No.  
22 6,292,657 and claims 17 and 31 of United States Patent No. 6,684,087 (pursuant to the Court's  
23 summary judgment orders in Dkt. 465 and Dkt. 470) is entered pursuant to Federal Rule of Civil  
24 Procedure 54(b) in favor of Google.

25 2. The Court dismisses with prejudice Unwired Planet's claim of infringement of U.S.  
26 Patent No. 7,463,151.

27 3. The Court dismisses without prejudice Google's unadjudicated counterclaims for  
28 declaratory judgments of invalidity of United States Patent Nos. 6,292,657, 6,895,240,

1 6,944,760, 6,684,087, 6,662,016, and 7,463,151. Those counterclaims may be reinstated in the  
2 event this matter is remanded for any reason, including for further consideration.


3 4. The Court expressly finds that there is no just reason for delay of entry of judgment  
4 pursuant to Federal Rule of Civil Procedure 54(b).

5 5. The Court will not make a determination as to the prevailing party in this case, and  
6 the time limits to file a bill of costs or file a motion for attorney's fees shall not begin to run,  
7 until such time as final judgment is entered as to all claims.

8 6. Unwired Planet's claim as to U.S. Patent No. 7,024,205 and Google's  
9 counterclaims as to U.S. Patent Nos. 7,024,205, 7,035,647, and 7,203,752 remain pending. All  
10 case activities that remain pending are hereby STAYED until such time as the Court, on its own  
11 motion or upon motion of either party, seeks to lift the stay.

12 7. The Clerk is directed to enter this judgment and administratively close the case.

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14 DATED: August 5, 2015



Honorable Miranda M. Du  
United States District Judge